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## **Part 1**

### **Streets**

#### **A. Street Plans and Surveys**

##### **§21-101. Borough Plan Adopted.**

The map or plan of the Borough of Gettysburg, designated: “Official Map Borough of Gettysburg, Adams County, Penna. – Drawing No. M 0168 – 29 Apr. 1968”, is hereby adopted as the Borough Plan as required by and for the purposes of the Pennsylvania Municipalities Planning Code (53 PS §10401). (Ord. 138, 6/13/1968; as amended by Ord. 1028-85, 8/12/1985)

##### **§21-102. Grade Survey Adopted.**

The grade survey made and prepared by Mason D. Pratt, Civil Engineer, of streets, alleys and public thoroughfares, and of the pavements, curbs and gutters along same, in the Borough of Gettysburg, and the location of the building lines of the streets, lanes and public thoroughfares of said Borough, is approved and accepted, and the Mayor and Borough Council of the Borough of Gettysburg hereby approves, accepts and establishes the grades as so furnished by the said Mason D. Pratt as the legal grades for the Borough of Gettysburg, the record of which survey is contained in a book marked “Profiles, Gettysburg, Pa., adopted Dec. 1908, Mason D. Pratt, C.E., Harrisburg, Pa.,” filed with the Borough Surveyor, a copy of which is hereto annexed. (Ord. 9/10/1909, §1)

##### **§21-103. Monuments Accepted.**

The monuments erected at proper places in the Borough, established under the supervision of the said Mason D. Pratt, from data of said survey, are accepted. (Ord. 9/10/1909, §2)

#### **B. Street Excavations**

##### **§21-111. Definitions and Interpretation.**

The following words, when used in this Chapter, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

STREET — any public street, avenue, road, square, alley, highway, or other public place located in the Borough of Gettysburg and established for the use of vehicles, but shall not include State highways.

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PERSON — any natural person, partnership, firm, association, corporation or municipal authority.

In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 858-72, 5/15/1972, §1)

### **§21-112. Location of Openings and Excavations.**

It shall be unlawful for any person to open or to make excavation of any kind in any street in the Borough of Gettysburg except in and upon those portions thereof established for the use of vehicles. (Ord. 858-72, 5/15/1972, §2)

### **§21-113. Permit Required to Make Opening or Excavation.**

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Borough of Gettysburg without first securing a permit therefor, as hereinafter provided. (Ord. 858-72, 5/15/1972, §3)

### **§21-114. Application for Permit.**

Any person who shall desire to make any opening or excavation in any of the streets in the Borough of Gettysburg shall make application to the Borough Manager in writing for the purpose. Such application shall be made upon blanks to be furnished by the Borough and shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Borough and the laws of the Commonwealth in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Borough from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto. (Ord. 858-72, 5/15/1972, §4)

### **§21-115. Permit Fee.**

Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay to the Borough a permit fee in the minimum amount of \$10 to cover the cost of inspection and other incidental services in connection therewith. When application shall be made to open or excavate any longitudinal opening or excavation in excess of 10 feet, before any permit shall be issued so to open or excavate, the applicant shall pay in addition to such minimum fee, an additional fee at the rate of \$25 for each

100 feet or fraction thereof to be opened or excavated upon such street. (Ord. 858-72, 5/15/1972, §5)

**§21-116. Issuance of Permits Restricted.**

Permits shall be issued only to persons furnishing public utility services or the owner or owners of the real property adjoining the location where such opening or excavation is to be made. (Ord. 858-72, 5/15/1972, §6)

**§21-117. Information Contained on Permit.**

Any permit issued hereunder shall specify the exact location where the opening or excavation is to be made, the approximate permitted size or depth thereof and the time within which the work for which the permit is granted to be completed. (Ord. 858-72, 5/15/1972, §7)

**§21-118. Refilling of Opening or Excavation; Restoration of Surface; Responsibility for Defects Occurring Within 2 Years.**

Any person who shall open or excavate any street in the Borough shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter, and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania which are hereby adopted as specifications of the Borough for restoration of surfaces of streets in the Borough; as restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If within two years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving. (Ord. 858-72, 5/15/1972, §8)

**§21-119. Responsibility of Permit Holder for Certain Work; Right of Borough to Do Certain Work; Charges Therefor.**

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by or for the person to whom or which the permit has been issued at his or its expense, and all such work shall be subject to the provisions of this Part 1 and to the supervision and approval of the Borough Manager, provided that the Borough Manager may if he deems it necessary to the proper performance of the work, require that cutting of the surface of streets and the backfilling of all excavations therein shall be done by the Borough, in which event the applicant shall pay the Borough the actual cost of the work performed by the Borough. (Ord. 858-72, 5/15/1972, §9)

**§21-120. Requirements for Work; Correction of Unsatisfactory Work; Completion of Incomplete Work.**

1. No opening or excavation in any street shall extend from the curb line into the highway a distance greater than one foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.
2. No more than 500 feet longitudinally shall be opened in any street at any one time.
3. The work of excavation shall be so conducted as not to interfere with the water mains, sewers or their connections with the houses, or any other subsurface lines or constructions, until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained.
4. No tunneling shall be allowed without the express approval of the Borough Manager and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Manager or an inspector designated by him, and shall be done only in a method approved by him.
5. All openings or excavations shall be backfilled promptly with modified 2A stones and thoroughly compacted in layers, each of which layers shall not exceed eight inches in depth. Backfilling shall be placed to within 10 inches of the surface.
6. A temporary paving of coldpatch premix, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving and maintained for a period of 90 days.
7. On concrete base streets, such base shall be replaced with concrete and the minimum size of the opening or excavation shall be 16 square feet.
8. During the making of any excavation in the street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices, and all excavating permits granted hereunder are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by the said excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit, or any other matter placed in the said excavation.
9. The applicant shall notify the Borough Manager when the opening or excavation is ready for backfilling before any backfilling is done, when backfilling work is



completed, when the temporary paving has been installed and when the street has been permanently restored so that inspections may be made.

10. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Manager, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough Manager, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20% to the applicant.

(Ord. 858-72, 5/15/1972, §10)

#### **§21-121. Emergency Openings.**

In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this Part are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction, or apparatus, the Borough Manager, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus 20% to such owner or person. (Ord. 858-72, 5/15/1972, §11)

#### **§21-122. Work Necessitating Opening or Excavation to be Done Prior to Street Improvement and Not Until 5 Years Thereafter; Exception.**

The Borough Manager shall give timely notice to all persons owning property abutting on any street within the Borough about to be paved or improved, and to all public utility companies operating in the Borough, and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of the said street within 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough Manager. New paving shall not be opened or excavated for a period of five years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening or excavating of such paving to be determined by the Borough Manager. If it is sought to excavate upon or open a sewer within five years after the completion of the paving applicant shall make written application to the Borough Council, and a permit for such opening shall be issued only after express approval of the Borough Council. (Ord. 858-72, 5/15/1972, §12)

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### **§21-123. Conditions for Laying and Extending Utility Lines.**

No new water, sewer, steam or gas main or electric; telephone or other utility line shall hereafter be laid or constructed, and no such existing main or line shall be extended, in any of the streets of the Borough until the plan therefor shall have been first filed with the Borough Manager and such plan, and the exact location of such main or line, approved by him. The Borough Manager shall not approve the locating of any such main or line at a depth of less than 30 inches from the surface of the street unless he shall be convinced that locating the same at a depth of more than 30 inches from the surface is impossible or impractical. (Ord. 858-72, 5/15/1972, §13)

### **§21-124. Bond Required.**

Except for regulated utilities and the Gettysburg Municipal Authority, no company, corporation or association shall dig up any street or alley without first giving to the Borough a bond with some acceptable trust or surety company as surety in the sum of \$10,000, conditioned for the faithful performance of these provisions and also for any and all damages, claims, demands, suits, costs and counsel fees occasioned or arising from the digging up, opening or closing of said streets and alleys. (5/18/1903, §1; as amended by Ord. 1028-85, 8/12/1985)

### **§21-125. Payment for Work Done by Borough.**

Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within 30 days after a bill therefor is sent to such person by the Borough. Upon failure to pay such charges within such time, the same shall be collectible by the Borough by an action in assumpsit or in the manner provided by law for the collection of municipal claims. (Ord. 858-72, 5/15/1972, §14)

### **§21-126. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 858-72, 5/15/1972, §15; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §1)

### **§21-127. Applicability.**

The provisions of this Part shall not apply to laying sidewalks or curbs or to the planting of poles. (Ord. 858-72, 5/15/1972, §16)

## **C. Protection of Streets**

### **§21-131. Definitions and Interpretation.**

PERSON — any natural person, partnership, firm or corporation.

STREET — any public street or alley in the Borough of Gettysburg.

The singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 139, 6/13/1968, §1)

### **§21-132. Prohibited Acts.**

It shall be unlawful for any person to injure, damage, mar or deface any street in the Borough of Gettysburg, or to render the same unsafe or dangerous to the traveling public in any way, which shall include, but shall not be limited to, the following: (a) the dragging or drawing of logs, trees or timber or other heavy objects, whether composed of wood, metal or other substance, on or over the surface; (b) the building of fires or the burning of rubbish or other material upon or over the surface; (c) the placing of or allowing to run, leak or be placed upon the surface of any oil, gasoline, kerosene or other substance that might be harmful to the surface; or (d) the operation of any vehicle upon any street with the wheels covered with mud or other material to the extent that such mud or other material drops therefrom onto such street causing a discoloration and/or slippery condition. (Ord. 139, 6/13/1968, §2)

### **§21-133. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 1 continues shall constitute a separate offense. (Ord. 139, 6/13/1968, §3; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §1)

## **D. Street Obstructions and Encroachments**

### **§21-141. Conditions for Bridging of Alleys.**

From and after the passage of this Part, it shall and may be lawful for owner or owners of lots or parts of lots in the Borough of Gettysburg, located on opposite sides of any public alley, where the alley frontage of the owners shall be not less than 70 feet on both sides thereof, and directly opposite each other, to erect, construct and maintain, at right angles to the direction of any such alley, a bridge, open or enclosed, and not in excess of two stories in height, between and connecting buildings now erected or to be hereafter

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erected upon said lot or parts of lots, for the purpose of affording a ready and convenient form of communication and access of persons between said buildings; such bridge to be of an overall width of not more than 10 feet with the lowest part thereof at least 14 feet above the grade of the alley established by the proper Borough officers or authorities, substantially constructed and protected so that the use by the public of the alley beneath will not be interfered with by falling rainwater, snow, litter or other material whatsoever; provided, however, that no such bridge may be erected at a less distance than 11 feet from the nearest portion of lot belonging to some other owner, nor at a less distance than 11 feet from the building line of any public street. Proper signage shall be erected by the owner or owners of the bridge to warn the traveling public of the height of safe clearance under said bridge as measured from the grade of the public alley.

(Ord. 2/11/1924; as amended by Ord. 1316-06, 6/12/2006, §1)

### **§21-142. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 1D shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 1D continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §2)

## **Part 2**

### **Sidewalks**

#### **A. Sidewalk Construction, Reconstruction and Repair**

##### **§21-201. Responsibility of Property Owners.**

It shall be the duty of the owner or owners of the lots of ground abutting upon any of the streets in the Borough to grade, pave and curb the sidewalks abutting thereon; to repair and keep the same at all times in a safe and passable condition; and to relay the same when unsafe or worn out. (Ord. 8/4/1905, 1; as amended by Ord. 105, 6/13/1968, §2)

##### **§21-202. Conformity to Line and Grade.**

Every sidewalk shall be laid in accordance with the lines and grades established by the Borough Engineer. (Ord. 8/4/1905, §2; as amended by Ord. 105, 6/13/1968, §3)

##### **§21-203. Slope or Rise of Sidewalks.**

The slope or rise of all sidewalks laid in the Borough, from the curb toward the building line, shall be 1/5 inch to the foot. (Ord. 8/4/1905, 3; as amended by Ord. 105, 6/13/1968, 4)

##### **§21-204. [Reserved].**

(Ord. 8/4/1905, 4; as amended by Ord. 9/8/1932; by Ord. 67911, 9/11/1967; and repealed by Ord. 1210-98, 6/8/1998, §1)

##### **§21-205. Width of Sidewalks.**

The width of the pavements and side or footwalks from the building line on streets in the Borough of Gettysburg shall be as follows:

1. On streets 80 feet in width, the pavements and the side or footwalks shall be 16 feet in width, provided that in residential areas and in blocks where no part of any building projects beyond the building line, the Borough Council may permit the construction of pavements six feet in width in the middle of side or footwalks with grassplots on either side thereof.
2. On streets 66 feet in width, the pavements and side or footwalks shall be 11 feet in width, provided that in residential areas and in blocks where no part of any building projects beyond the building line, the Borough Council may permit the

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building of pavements six feet in width next to a grassplot of 42 inches in width between said pavement and the curb.

3. On streets 50 feet in width, the pavements and side or footwalks shall be 10 feet in width; provided that in residential areas and in blocks where no part of any building projects beyond the building line the pavement shall be a solid pavement extending from the curb line to a width of not less than six feet, excepting that in such residential areas the Borough Council may permit the construction of a pavement four feet in width with a grassplot of not less than 18 inches in width between the curb and said pavement and not less than the minimum of the then existing grassplots opposite sidewalks theretofore laid to grade within the space between any two intersecting or cross highways on the same side of the street as the proposed sidewalks.

(Ord. 8/4/1905, §5; as amended by Ord. 8/15/1907, §1; Ord. 9/4/1951; and by Ord. 105, 6/13/1968, §5; as amended by Ord. 1028-85, 8/12/1985)

### **§21-206. [Reserved].**

(Ord. 8/4/1905, §6; as amended by Ord. 105, 6/13/1968, §4; by Ord. 1028-85, 8/12/1985; by Ord. 1095-89, 12/11/1989; and repealed by Ord. 1210-98, 6/8/1998, §1)

### **§21-207. Authority for Borough to Do Work and Collect Cost, Plus 10%, From Defaulting Property Owners.**

Upon the neglect of any property owner to grade, pave, curb or reconstruct any sidewalk after 30 days' notice from the Borough Council, or to make any necessary repairs to any curb or sidewalk after 15 days' notice from the Council, the Council shall cause such work to be done at the cost of such defaulting owner, and such cost, with an additional amount of 10% thereof, shall be collected from such owner through the filing of a municipal claim therefor, or by an action in assumpsit as provided by law. (Ord. 8/4/1905, §8; as amended by Ord. 10/2/1944; and by Ord. 105, 6/13/1968, §7)

### **§21-208. Certain Acts Prohibited; Penalty.**

Any person who shall injure or tear up any sidewalk, drain or sewer, or any part thereof, or who shall dig a hole in any sidewalk without a permit from the Borough, or who shall neglect or refuse to fill up and place the same in as good condition as before breaking ground, upon being requested to do so by the Borough Council or any person designated by the Council for the purpose; or who shall hinder or obstruct the paving of any sidewalk which is being done by authority of the Borough or of this Part; or who shall hinder or obstruct any person employed by the Borough in making or repairing any public improvement or work ordered by the Council shall, upon conviction thereof before the District Justice of the Peace, be sentenced to pay a fine of not more than \$1,000, and/or to imprisonment for not more than 90 days. (Ord. 8/4/1905, §9; as

amended by Ord. 105, 6/13/1968; by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §1)

**§21-209. Permit Required.**

Before any sidewalk or curb may be constructed, a permit shall be obtained from the Borough Manager. All sidewalks and curbs shall be laid in accordance with specifications furnished by the Borough of Gettysburg and more fully detailed in the "Borough of Gettysburg Technical Provisions (Standards)" at the time the permit is granted. (Ord. 8/4/1905; as added by Ord. 1210-98, 6/8/1998, §2)

**§21-210. Inspection.**

During the performance of the sidewalk or curb construction, the Borough Manager, or his designated representative, may inspect the work at any time to determine whether construction specifications are being observed. Inspection by the Borough Manager, or his designated representative, shall at a minimum be made of the subgrade, formwork and any steel prior to placement of the concrete or brick surface. (Ord. 8/4/1905; as added by Ord. 1210-98, 6/8/1998, §2)

**§21-211. Fee.**

The fee for a sidewalk or curb permit shall be fixed from time-to-time by resolution of Borough Council. (Ord. 8/4/1905; as added by Ord. 1210-98, 6/8/1998, §2)

**B. Driveways Crossing Sidewalks and Curbs**

**§21-211. Permit Required to Construct Driveways.**

From and after the passage of this Part it shall be unlawful for any person, association, partnership or corporation to construct, build or make a driveway for vehicles over or through any curb, curb line, sidewalk or sidewalk line from any street in the Borough of Gettysburg, without first obtaining a permit therefor from the Borough Manager. (Ord. 5/20/1946, §1; as amended by Ord. 112, 6/13/1968, §1; and by Ord. 998-82, 5/10/1982)

**§21-212. Maximum Width of Driveway.**

It shall be unlawful to construct, build or make any such driveway, or for the Borough Manager to issue a permit for any such driveway, having a width along said street in excess of 30 feet, except in the case of a driveway giving access to a fire house or other building used for the storage of fire equipment or ambulances in which case the maximum width of the driveway shall be determined by the Borough Manager but shall be no wider than is necessary to facilitate the use of such emergency equipment, the

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maximum width thereof to be specified in the permit. (Ord. 5/20/1946, §2; as amended by Ord. 112, 6/13/1968, §1; by Ord. 841-71, 3/8/1971; and by Ord. 998-82, 5/10/1982)

### **§21-213. Restrictions Affecting Driveways Within 10 Feet of Other Driveway Entrances.**

It shall be unlawful to construct any such driveway with an entrance thereto within a distance of 10 feet from the entrance of another driveway, when the combined width of said driveways and the intervening distance between the same exceeds 30 feet. (Ord. 5/20/1946, §3)

### **§21-214. Slope of Driveway.**

1. It shall be unlawful to construct, build, make or maintain a driveway with a slope extending into any street, or with the slope from the street grade to the sidewalk grade extending into the sidewalk for a distance exceeding 42 inches from the curb line, or extending into the sidewalk line from the property line.
2. It shall be unlawful to construct, build or make any such driveway with a grade below that of the adjacent sidewalk unless the same shall be specifically authorized by the permit; provided, however, that such authorization shall be granted only where the driveway is to be used for nonresidential purposes only.

(Ord. 5/20/1946, §4; as amended by Ord. 802-68, 3/11/1968, §1)

### **§21-215. Necessity for Driveway.**

It shall be unlawful to construct, build or make any such driveway unless same is necessary for the lawful uses of the premises entered thereby and it has been determined that the owner or occupant of said premises has no other adequate access thereto sufficient for the lawful uses of said premises, the property and necessity for said driveway to be determined in the first instance by the Borough Manager before a permit therefor is issued. (Ord. 5/20/1946, §5; as amended by Ord. 112, 6/13/1968, §1; and by Ord. 998-82, 5/10/1982)

### **§21-216. Driveways Prohibited on Lincoln Square.**

It shall be unlawful in any event to construct, build or make a driveway over, on, across or through any curb line or sidewalk in Lincoln Square in the Borough, or to issue a permit therefor. (Ord. 5/20/1946, §6; as amended by Ord. 112, 6/13/1968, §2)



**§21-217. Responsibility for Maintenance of Driveways.**

It shall be unlawful for any property owner to fail to maintain the driveways entering his premises in accordance with the provisions of this Part 2, and to fail to maintain them in a condition that will not endanger the safety of pedestrians, motorists and other users of the streets and sidewalks of the Borough. (Ord. 5/20/1946, §7)

**§21-218. Permit Fee.**

No permit fee for any driveway provided for in this Part shall be issued by the Borough Manager excepting upon the payment in advance of a permit fee equal to the sum of \$1 for each foot in width thereof, or until the owner of the premises entered by said driveway has filed with the Borough Manager a bond for the benefit of the Borough of Gettysburg, conditioned upon keeping said driveway in proper repair. (Ord. 5/20/1946, §8; as amended by Ord. 112, 6/13/1968, §1; by Ord. 998-82, 5 10 1982; and by Ord. 1028-85, 8/12/1985)

**§21-219. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 5/20/1946, §9; as amended by Ord. 112, 6/13/1968, §3; by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §1)

**C. Sidewalk Obstructions and Encroachments**

**§21-221. Conditions for Placing and Maintaining Flower Boxes over Sidewalk.**

Any person, partnership, firm or corporation, owning or leasing real estate in the Borough of Gettysburg, may place and maintain flower boxes, with plants therein not of a noxious variety, upon or extending over the sidewalk abutting upon such real estate, so long as such flower boxes do not extend more than two feet from the wall of the building to which they are attached over the public sidewalk. (Ord. 6112-4, 12/6/1961, §1; as amended by Ord. 122, 6/13/1968, §1)

**§21-222. Standards for Maintenance of Flower Boxes over Sidewalk.**

Any person, partnership, firm or corporation placing flower boxes upon or extending over public sidewalks shall maintain them in a good state of order, security and preservation so as not to constitute a nuisance, hazard or litter to or upon sidewalks or footwalks. (Ord. 6112-4, 12/6/1961, §2; as amended by Ord. 122, 6/13/1968, §1)

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### **§21-223. Obstruction of Sidewalks and Gutters Prohibited; Exceptions.**

1. No person shall obstruct any sidewalk except as permitted by subsections (1) and (2) of this Section or by other Sections of this Part of Chapter 21 of the Code of Ordinances of the Borough of Gettysburg.
2. Any merchant or other person engaged in business may occupy the innermost portion of the sidewalk directly adjacent to the property line of such business with displays of merchandise.
3. Any restaurant licensed by the Pennsylvania Liquor Control Board to serve liquor and/or malt or brewed beverages may, so long as the following conditions are observed, occupy an adjacent area of such sidewalk physically defined in a manner approved by the Borough Code Enforcement Officer extending no more than eight feet from the property line; provided, that the outermost portion of the sidewalk, at least four feet in width, remains free and clear for the passage of pedestrians. This privilege is conditioned on observance of the following conditions:
  - A. Only nontransparent plastic beverage containers are used in such area.
  - B. All tables chairs, area markers and other property shall be removed from such area each day and stored in the interior of the establishment.
  - C. Such area shall at all times be maintained in an orderly condition and all refuse shall be removed therefrom.
  - D. No disorderly conduct, no loud or boisterous noise, no offensive language, no obstruction of the remainder of the sidewalk and no musical, electronic or other entertainment of any kind is permitted in such area.
  - E. No violations of any Federal, State or local laws or ordinances are permitted in such area.
4. No person shall obstruct the free flow of water in any gutter.

(Ord. 2/7/1905, §2; as amended by Ord. 5/21/1914; by Ord. 104, 6/13/1968, §1; by Ord. 1028-85, 8/12/1985; and by Ord. 1166-94, 8/8/1994)

### **§21-224. Vending Machines in Right-of-Way; Permit Required.**

Any person, owner, corporation or otherwise desiring to place a vending machine on the outside of their property, which machine would extend into the sidewalk right-of-way, must first apply to the Borough Manager for a permit. Such application shall include the type of machine, product to be dispensed, actual location on the property proposed, and its overall dimensions.

In granting said permit the Borough Manager shall consider the need for such machine in the area, the extent to which it may interfere with pedestrian traffic, and whether or not it detracts from the appearance of the immediate neighborhood. Applications for vending machines in the Historic District must meet the approval of the Historical Architectural Review Board.

(Ord. 1028-85, 8/12/1985)

**§21-225. Steps, Platforms, Porch Enclosures, Cellarways, Cellar Doors and Similar Encroachments.**

No step, platform, porch enclosure, opening for cellar or cellar door, or similar obstruction shall be erected, built or placed which shall extend into any alley and no step, platform, porch, enclosure, or similar obstruction shall be erected, built or placed so as to extend into any pavement or sidewalk for a greater distance than four feet from the property or building line on streets (other than Lincoln Square) where the street is of the width of 66 feet or more, and on streets of less than 66 feet in width, no such obstruction shall extend into any pavement or sidewalk for a greater distance than three feet from the property or building line and in no case shall any such obstruction (other than on Lincoln Square) extend into any pavement or sidewalk to such distance as to prevent there being four feet of clear space for the passage of pedestrians on the pavement or sidewalk. On Lincoln Square no such obstruction shall be erected, built or placed so as to hinder access to, or unreasonably obstruct the view of, any sidewalk for a greater distance than eight feet from the property or building line and in no case shall any such obstruction extend into the pavement or sidewalk to such a distance as to prevent there being 12 feet of clear space for the passage of pedestrians on such pavement or sidewalk.

No porch shall extend into the pavement beyond the building line on Carlisle, Baltimore, Chambersburg or York Streets within one block of Lincoln Square.

No cellar door or entrances into cellars shall be raised above the level of the pavement or sidewalk, nor be allowed to remain open after dark.

(Ord. 2/7/1905, §8; as amended by Ord. 4/10/1911, §1; by Ord. 3/5/1928, §1; by Ord. 6264, 6/4/1962; and by Ord. 104, 6/13/1968, §2)

**§21-226. Encroachment by Bulk, Jut or Bay Windows.**

It shall be unlawful for any person, partnership, firm or corporation to erect, set up or reset any bulk, jut or bay window in the first story of any building, which shall project beyond the building line of any street, and any such window erected on any story above the first shall not extend beyond the building line more than 30 inches. (Ord. 2/7/1905, §9; as amended by Ord. 4/10/1911, §1; and by Ord. 104, 6/13/1968, §3)

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### **§21-227. Encroachment for Purpose of Refacing Buildings May be Permitted.**

If it is determined by the Building Official that it is impractical for structural reasons, or impossible for any other reason, or if it is determined to be undesirable for historical reasons by the Historical Architectural Review Board, to tear down and rebuild the front wall of an existing building, the Building Official may issue a building permit for construction entailing an encroachment on a street up to a distance of not more than five inches beyond the street line for the purpose of refacing the front of such building. (Ord. 911-76, 3/9/1976, §1)

### **§21-228. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 2C shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2C continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §1)

## **D. Snow and Ice Removal from Sidewalks**

### **§21-241. Definitions.**

As used in this Part 2D, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUSINESS DAY — any day not a Sunday or a national holiday.

BUSINESS HOURS — hours between 9:00 a.m. and 5:00 p.m. on any business day.

CARTWAY — portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

CORPORATION — natural person, partnership, corporation, association, or any other legal entity.

SIDEWALK — portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

STREET or HIGHWAY — the entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Ord. 1/16/1952; as revised by Ord. 1028-85, 8/12/1985)

**§21-242. Responsibility for Removal of Snow and Ice from Sidewalks.**

Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away or cause to be removed or cleared away, snow and/or ice from a path of at least 30 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

1. Except as provided in §21-242(2) hereof, snow and ice shall be removed from sidewalks within 12 hours after the cessation of any fall of snow, sleet or freezing rain.
2. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in §21-242(1) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least 30 inches in width. (Ord. 1/16/1952; as revised by Ord. 1028-85, 8/12/1985)

**§21-243. Responsibility for Removal from Roofs.**

Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which is liable to fall on any sidewalk, roadway, or other public way. Such work shall be completed within a reasonable time, but not later than 12 hours after the cessation of any fall of snow, sleet, or freezing rain. (Ord. 1/16/1952; as revised by Ord. 1028-85, 8/12/1985)

**§21-244. Depositing of Snow and Ice Restricted.**

No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway, or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by the Borough of Gettysburg on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts. (Ord. 1/16/1952; as revised by Ord. 1028-85, 8/12/1985)

**§21-245. Authority for Borough to Remove Snow and Ice and Collect Cost and Additional Amount.**

In the event any person fails to remove snow, hail, sleet or ice as required by §21-242 hereof or unlawfully deposits snow in or on streets in violation of §21-244 hereof, said snow, hail, sleet or ice may be removed by the employees of the Borough under the direction of the Street Commissioner and the cost thereof shall be paid by said person and

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collected as a penalty as other penalties are enforced by law, said penalties to be in addition to the fines hereinafter provided for. (Ord. 1/16/1952, §3)

### **§21-246. Penalties.**

In addition to the penalties in §21-245, any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than \$1,000, and/or to imprisonment for a term not to exceed 90 days. Each day that a violation continues shall constitute a separate offense. (Ord. 1/16/1952; as revised by Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §1)